

REMARKS

Claims 1-18 remain pending in this application. Claims 1-18 are rejected and are amended herein.

Claims 1-8 and 17 are rejected under 35 U.S.C. §101 as not falling within one of the four statutory categories of invention. More specifically, the Office Action states that the steps recited do not constitute a valid statutory “process”. Claims 9-16 and 18 are rejected under 35 U.S.C. §101 as not falling within one of the four statutory categories of invention. More specifically, the Office Action states that all the elements claimed are computer programs and, therefore, no physical structure is being claimed.

Please note that in the Office Action the two specific bases for the non-statutory subject matter rejections are switched around between the apparatus and method claims. The non-statutory subject matter rejections are addressed herein with respect to the appropriate specific basis for the rejections.

Claims 1-8, and 17 are amended herein, so that the claimed invention is directed to a conversation control *computer*. Thus, the claims are directed to a physical apparatus, as shown in Fig. 16. Moreover, elements of the claimed

computer are in some manner implemented in a physical manner via software configuration or may be implemented with application specific integrated circuits, as is well known in the art. Thus, for example, the morpheme extracting unit, conversation database and the topic search unit, as recited in claim 1-8, and 17, are physically implemented within the claimed conversation control computer.

Claims 9-16 and 18 are amended herein, so that the claimed invention is directed to a computer-readable storage medium encoded with a program for executing a conversation control method. Thus, the claims are directed to a physical medium and not simply to a computer program.

Claims 1-18 are rejected under 35 U.S.C. §103(a) as obvious over Walker et al. (U.S. Pub. Pat. App. 2004/0098245) in view of de Hita et al. (U.S. Pat. No. 6,411,924). The rejection characterizes the claims as simply combining prior art elements according to known methods to yield predictable results.

MPEP §2143 states that when rejecting a claim based on the rationale that the recited structure is simply “combining prior art elements according to known methods to yield predictable results” there must be a “finding that the prior art included each element claimed … with the only difference between the claimed

invention and the prior art being the lack of actual combination of the elements in a single prior art reference.” MPEP §2143. Applicants respectfully traverse the rejections, as the cited references do not include all the elements as recited in the claims.

The Office Action asserts that “Walker fails to disclose the details of the retrieval system to include a topic search unit” as recited in the claims but that it would have been obvious to modify “Walker to implement the information retrieval system of de Hita”. Office Action page 4, section 5. However, de Hita is directed to interactive searching by a user on a computer. This is accomplished in de Hita by the computer displaying topics representing linguistic content of all documents after which the user can search for a desired document based upon the displayed topics. In this manner, de Hita overcomes problems with the conventional search method by the user’s input information such as a keyword, topic or title. Thus, de Hita’s system *requires user interaction to retrieve a document* and, thus, is not directed to a system where the search is performed by the computer alone. Therefore, one skilled in the art could not have combined the retrieval system of de Hita with Walker to realize a system that compares a piece of morpheme information based on user’s input information with pieces of morpheme information in a database (i.e. keyword search only by computer) and then obtain

a reply sentence associated with morpheme information including the piece of morpheme information based on the user's input information.

Moreover, when the Office Action asserts that Walker fails to disclose any details of a retrieval system for the topic search unit it specifically points to the lack of specific disclosure of the topic search unit performing comparisons of morpheme information to determine a topic from input information. The Office Action asserts that de Hita, discloses a retrieval system, thereby bridging the gap in the disclosure of Walker to arrive at the claimed invention. However, all de Hita discloses is a "linguistic topic analyzer [that] generates the topics representing the linguistic content based on morphological and syntactic evaluation of the documents." De Hita col. 3 lines 40-43. There is no disclosure in de Hita of comparing first and second morpheme information or comparing pieces of second morpheme information with the first morpheme information. Thus, de Hita also fails to disclose details of a retrieval system for a topic search unit as recited in the claims.

In addition, the Office Action asserts that the discourse history database (150) and the training database (160) of Walker are equivalent to the conversation database recited in the claims. Walker discloses that "the discourse history-database

150 serves as a database for storing each dialog exchange for a particular dialog or set of interactions with a user” and that it “also stores the sentence planning features identified from the collected dialogs, and the sentence planning rules generated from both the dialogs and the sentence planning features.” Walker para.

30. Furthermore, “[t]he training database **160** stores sentence planning examples collected from interactions with human users and models built based on those examples and positive and negative feedback on the quality of the examples that was provided by human users during the training phase.” Id. However, Walker fails to disclose any details of the configuration or the organizational hierarchy of the discourse history-database (150) and the training database 160, particularly that reply sentences are associated with pieces of second morpheme information. Thus, Walker, even in view of de Hita, does not include a conversation database as recited in the claims.

Furthermore, Applicant respectfully avers that Walker does provide some detail for retrieval of reply sentences. Walker states that “the sentence plan generator **210** generates … sentence plans for a *given set of communicative goals* generated by the communicative goal generator **210**” Walker para. 35 (emphasis added). In other words, Walker discloses generating/retrieving reply sentences based upon communicative goals. Therefore, not only does Walker not disclose

retrieval of reply sentences based upon comparisons of morpheme information as recited in the claims, but there is no reason to include such a retrieval system in Walker as it already has a retrieval system based upon communicative goals. In summary, the claims are not rendered obvious over Walker in view of de Hita, as (1) neither reference discloses a retrieval system as recited in the claims, (2) Walker does not disclose a conversation database as recited in the claims; and (3) Walker discloses a retrieval system based upon communicative goals.

Applicants respectfully request a two month extension of time for responding to the Office Action. The fee of \$490.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,

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